

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Western District of New York

Joshua Nuncio, Daniel Snyder, Kira Allen,  
Maxamillian Lewis, Brent Esposito, Melanie Cheney,  
Ashley Seibert

*Plaintiff(s)*

v.

Delaware 483 LLC, dba Rowhouse Bakery &  
Restaurant, Mark Jaworski, Sean Tuohey, Myriah  
Jaworski

*Defendant(s)*

Civil Action No. 1:18-cv-1359

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Delaware 483 LLC, dba Rowhouse Bakery & Restaurant  
c/o New York Secretary of State  
One Commerce Plaza  
99 Washington Avenue  
Albany, NY 12231

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

A. Nicole Hallett  
Community Justice Clinic  
University at Buffalo School of Law  
507 O'Brian Hall, North Campus  
Buffalo, NY 14260-2167

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 11/30/2018



CLERK OF COURT

*Mary Choewenguth*  
Signature of Clerk or Deputy Clerk

*Mary Choewenguth*

Civil Action No. 1:18-cv-1359

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
 was received by me on *(date)* \_\_\_\_\_ .

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I returned the summons unexecuted because \_\_\_\_\_ ; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT

for the

Western District of New York

Joshua Nuncio, Daniel Snyder, Kira Allen,  
Maxamillian Lewis, Brent Esposito, Melanie Cheney,  
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Jaworski

\_\_\_\_\_  
*Defendant(s)*

Civil Action No. 1:18-cv-1359

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Sean Tuohey  
19 Berkley Place  
Buffalo, NY 14209

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

A. Nicole Hallett  
Community Justice Clinic  
University of Buffalo School of Law  
507 O'Brian Hall, North Campus  
Buffalo, NY 14260-1100

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



CLERK OF COURT

Date: 11/30/2018

*Mary Choewenguth*  
\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

*Mary Choewenguth*

Civil Action No. 1:18-cv-1359

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 \_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
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*Printed name and title*

\_\_\_\_\_  
*Server's address*

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Jaworski

Defendant(s)

Civil Action No. 1:18-cv-1359

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Mark Jaworski  
483 Delaware Avenue  
Buffalo, NY 14202

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

A. Nicole Hallett  
Community Justice Clinic  
University of Buffalo School of Law  
507 O'Brian Hall, North Campus  
Buffalo, NY 14260-1100

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 11/30/2018



CLERK OF COURT

*Mary O. Hoewenguth*  
Signature of Clerk or Deputy Clerk

*Mary O. Hoewenguth*

Civil Action No. 1:18-cv-1359

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Jaworski

\_\_\_\_\_  
*Defendant(s)*

Civil Action No. 1:18-cv-1359

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Myriah Jaworski  
19 Berkley Place  
Buffalo, NY 14209

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

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Community Justice Clinic  
University at Buffalo School of Law  
507 O'Brian Hall, North Campus  
Buffalo, NY 14260-2167

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*Mary Choewenguth*  
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Signature of Clerk or Deputy Clerk

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 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

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*Printed name and title*

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*Server's address*

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